

60246-211
10645**REMARKS**

Claim 7 is objected to as depending upon a rejected base claim, but the Examiner stated that this claim would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claim. Claim 7 has been rewritten in independent form to include the features of independent claim 1.

Claims 1, 2, and 14-16 stand rejected under 35 U.S.C. 102(e) as being anticipated by Nishida et al. (U.S. Patent 6,505,476). The Examiner contends that Nishida discloses a method of optimizing a coefficient of performance of a refrigeration system including the steps of sensing a parameter, comparing the parameter to an efficiency parameter, determining a state of efficiency of the system, and adjusting the refrigeration system, and therefore the claimed invention is anticipated. Applicant respectfully disagrees.

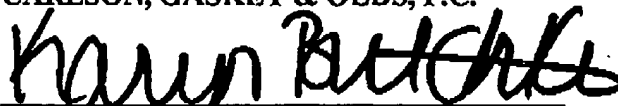
Nishida does not disclose the claimed invention. The Examiner states that step 680 of Nishida determines a state of the efficiency of the system. In step 680, once the air temperature T_r blown from the radiator 200 equals a target temperature T_t , the coefficient of performance is the calculated. When the air temperature T_r deviates from the target temperature T_t , a control unit 700 adjusts an amount of refrigerant discharged from a compressor 100 and a degree of opening of a pressure control valve 300 to return the air temperature T_r to the target temperature T_t . Nishida does not disclose the step of determining a state of efficiency of the system. Nishida only discloses that the system is adjusted to maintain the air temperature T_r equal to the target temperature T_t . A state of efficiency is not determined in the Nishida. The claimed invention is not anticipated, and Applicant requests that the rejection be withdrawn.

Claims 1-19 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

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Respectfully submitted,

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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306 on January 24, 2005.



Karin Butchko